HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.19429 of 1999

Between:

Sunkara Venkata Narayana Reddy

... Petitioner

And

The Secretariat to Government of
Andhra Pradesh, Revenue FF Division,
Hyderabad and another

... Respondents

:: ORDER::

Counsel for the Petitioner: Shri Sricharan for
Shri Venkata Rangadas Kanuri

Counsel for Respondent No.1: Government Pleader for
Revenue

Counsel for Respondent No.2: Shri A. Rajasekhar Reddy,
Assistant Solicitor General

September 05, 2006

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to sanction pension to him under Swatantra Sainik Samman Pension Scheme, 1980 (for short, the 1980 Scheme') from 1-8-1980.

A perusal of the record shows that the petitioner's claim for pension is founded on his assertion that he had participated in the Quit India Movement in 1942-1943 and that he had actively propagated against the British Government for release of national leaders, who had been collectively arrested. In the affidavit filed by him, the petitioner has averred that arrest warrant dated 2-9-1942 was issued against him by Tenali Station House Officer in connection with Crime No.12 of 1942 and, with a view to evade arrest, he remained underground from 9-9-1942 to 10-4-1943. He claims to have submitted application dated 21-8-1981 for grant of pension under the 1980 Scheme. Along with the application, the petitioner is said to have attached the certificates issued by five prominent freedom fighters, namely, Sarvasri Annapragada Kameshwara Rao, Yerrapragara Seethapathi Rao, Pothuraju Rama Murthy, M. Satyanarayana Sastry and Pakala Subba Rao, all of whom suffered imprisonment for more than three years.

The petitioner's grievance is that even though his case was favourably recommended by the State Government, the Central Government arbitrarily rejected the same on the premise of non-production of any acceptable documentary evidence.

In the counter-affidavit field on behalf of the Central Government by Shri P.K. Kaul, the then Under Secretary in the Ministry of Home Affairs, the very receipt of the application has been disputed. In the second affidavit filed on behalf of the Government of India by Shri

J.C. Bain, reference has been made to the judgment of the Supreme Court in **M.L.Bhandari & others v. Union of India**[1] and it has been averred that the petitioner's claim for being treated as freedom fighter cannot be accepted because he has not produced evidence to substantiate his claim.

Arguments in this case were heard on 8-8-2006 and the case was adjourned to enable Shri Srichanaran, learned counsel appearing for Sri Venkat Rangadas Kanuri, Advocate for the petitioner to seek instructions from the petitioner. The case was adjourned on 29-8-2006 for the same purpose.

At the commencement of further hearing, Shri Sricharan stated that he has sent telegram to the petitioner, but has not received any reply.

Shri A. Rajasekhar Reddy, learned Assistant Solicitor General representing Government of India says that de hors all the technicalities and ignoring the fact that the petitioner has not directly questioned the rejection of his claim vide communication dated 23-9-1983, the respondents will reconsider his claim for grant of pension under the 1980 Scheme if he produces some acceptable documentary evidence in support of his claim that he is a freedom fighter.

While appreciating the fair stand taken by Shri A. Rajasekhar Reddy, I deem it proper to dispose of the writ petition with a direction that if the petitioner submits acceptable documentary evidence to support his entitlement to be treated as freedom fighter, then the competent authority of Government of India shall consider the same and pass appropriate order within a period of three months. Such an order shall be communicated to the petitioner by registered post at the end of three months period. If he is found eligible and entitled to

receive pension under the 1980 Scheme, then appropriate direction be given to the concerned authority to release the pension to him.

The writ petition is disposed of in the manner indicated above.2

G.S. SINGHVI, CJ

September 05, 2006

GRR

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[1] AIR 1993 SC 2127